

Union Calendar No. 40

105TH CONGRESS
1ST Session

H. R. 688

[Report No. 105-58, Part I]

A BILL

To amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

APRIL 17, 1997

Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1997

Mr. DAN SCHAEFER of Colorado (for himself, Mr. STUPAK, Mr. OXLEY, Mr. NORWOOD, Mr. BURR of North Carolina, Mr. LIVINGSTON, Mr. McHUGH, Mr. SKEEN, Ms. NORTON, Mr. BEREUTER, Ms. CHRISTIAN-GREEN, Mr. NETHERCUTT, Mr. BACHUS, Mr. KLUG, Mr. PARKER, Mr. GRAHAM, Mr. DEAL of Georgia, Mr. GILLMOR, Ms. RIVERS, Mr. TAYLOR of North Carolina, Mr. McINTOSH, Mr. DOYLE, Mr. LaFALCE, Mrs. MYRICK, Mr. GEKAS, Mrs. THURMAN, Mr. WATKINS, Mr. LUCAS of Oklahoma, Mr. HEFLEY, Mr. PORTER, Mr. McDADE, Mr. CANADY of Florida, Mr. DOOLEY of California, Mr. EHLERS, Mr. SPRATT, Mr. HILLEARY, Mr. BOB SCHAFFER of Colorado, Mr. KANJORSKI, Mr. CRAPO, Mr. TAUZIN, and Mr. McCRERY) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

APRIL 17, 1997

Reported from the Committee on Commerce

APRIL 17, 1997

Referral to the Committee on Ways and Means extended for a period ending not later than April 17, 1997

APRIL 17, 1997

Additional sponsors: Mr. BALLENGER, Mr. HEFNER, Mr. ADERHOLT, Mr.

PRICE of North Carolina, Mrs. CUBIN, Mr. GREENWOOD, Mr. LAHOOD, Mr. UPTON, Mr. FRELINGHUYSEN, Mr. HAMILTON, Mr. JONES, Mr. SMITH of Michigan, Mr. CAMP, Mr. RUSH, Mr. LARGENT, Mr. BARTON of Texas, Mr. LOBIONDO, Mr. KLINK, Mr. FOX of Pennsylvania, Mr. LATOURETTE, Mr. BUYER, Mr. COMBEST, Mr. HOLDEN, Mr. STENHOLM, Mr. WICKER, Mr. RADANOVICH, Mr. PALLONE, Mr. PAXON, Mr. PASTOR, Mr. BARRETT of Nebraska, and Mr. TIAHRT

APRIL 17, 1997

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A BILL

To amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Leaking Underground
5 Storage Tank Trust Fund Amendments Act of 1997”.

6 **SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.**

7 (a) TRUST FUND DISTRIBUTION.—Section 9004 of
8 the Solid Waste Disposal Act (42 U.S.C. 6991c) is amend-
9 ed by adding at the end the following new subsection:

10 “(f) TRUST FUND DISTRIBUTION TO STATES.—

11 “(1) IN GENERAL.—(A) The Administrator
12 shall distribute to States at least 85 percent of the

1 funds appropriated to the Environmental Protection
2 Agency from the Leaking Underground Storage
3 Tank Trust Fund (in this subsection referred to as
4 the ‘Trust Fund’) each fiscal year for the reasonable
5 costs under cooperative agreements entered into with
6 the Administrator for the following:

7 “(i) States’ actions under section
8 9003(h)(7)(A).

9 “(ii) Necessary administrative expenses di-
10 rectly related to corrective action and com-
11 pensation programs under section 9004(c)(1).

12 “(iii) Enforcement of a State or local pro-
13 gram approved under this section or enforce-
14 ment of this subtitle or similar State or local
15 provisions by a State or local government.

16 “(iv) State and local corrective actions pur-
17 suant to regulations promulgated under section
18 9003(c)(4).

19 “(v) Corrective action and compensation
20 programs under section 9004(c)(1) for releases
21 from underground storage tanks regulated
22 under this subtitle in any instance, as deter-
23 mined by the State, in which the financial re-
24 sources of an owner or operator, excluding re-
25 sources provided by programs under section

1 9004(c)(1), are not adequate to pay for the cost
2 of a corrective action without significantly im-
3 pairing the ability of the owner or operator to
4 continue in business.

5 “(B) Funds provided by the Administrator
6 under subparagraph (A) may not be used by States
7 for purposes of providing financial assistance to an
8 owner or operator in meeting the requirements re-
9 specting underground storage tanks contained in
10 section 280.21 of title 40 of the Code of Federal
11 Regulations (as in effect on the date of the enact-
12 ment of this subsection) or similar requirements in
13 State programs approved under this section or simi-
14 lar State or local provisions.

15 “(2) ALLOCATION.—

16 “(A) PROCESS.—In the case of a State
17 that the Administrator has entered into a coop-
18 erative agreement with under section
19 9003(h)(7)(A), the Administrator shall distrib-
20 ute funds from the Trust Fund to the State
21 using the allocation process developed by the
22 Administrator for such cooperative agreements.

23 “(B) REVISIONS TO PROCESS.—The Ad-
24 ministrator may revise such allocation process
25 only after—

1 “(i) consulting with State agencies re-
2 sponsible for overseeing corrective action
3 for releases from underground storage
4 tanks and with representatives of owners
5 and operators; and

6 “(ii) taking into consideration, at a
7 minimum, the total revenue received from
8 each State into the Trust Fund, the num-
9 ber of confirmed releases from leaking un-
10 derground storage tanks in each State, the
11 number of notified petroleum storage tanks
12 in each State, and the percent of the popu-
13 lation of each State using groundwater for
14 any beneficial purpose.

15 “(3) RECIPIENTS.—Distributions from the
16 Trust Fund under this subsection shall be made di-
17 rectly to the State agency entering into a cooperative
18 agreement or enforcing the State program.

19 “(4) COST RECOVERY PROHIBITION.—Funds
20 provided to States from the Trust Fund to owners
21 or operators for programs under section 9004(c)(1)
22 for releases from underground storage tanks are not
23 subject to cost recovery by the Administrator under
24 section 9003(h)(6).”.

1 (b) CONFORMING AMENDMENT.—Section 9508(c)(1)
 2 of the Internal Revenue Code of 1986 is amended by in-
 3 serting before the period at the end the following: “and
 4 to carry out section 9004(f) of such Act”.

5 (c) TECHNICAL AMENDMENTS.—Subtitle I of the
 6 Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is
 7 amended as follows:

8 (1) Section 9001(3)(A) (42 U.S.C. 6991(3)(A))
 9 is amended by striking out “sustances” and insert-
 10 ing in lieu thereof “substances”.

11 (2) Section 9003(f)(1) (42 U.S.C. 6991b(f)(1))
 12 is amended by striking out “subsection (c) and (d)”
 13 and inserting in lieu thereof “subsections (c) and
 14 (d)”.

15 (3) Section 9004(a) (42 U.S.C. 6991c(a)) is
 16 amended by striking out “in 9001(2)(A)” and in-
 17 serting in lieu thereof “in section 9001(2)(A)”.

18 (4) Section 9005 (42 U.S.C. 6991d) is amend-
 19 ed—

20 (A) in subsection (a), by striking out
 21 “study taking” and inserting in lieu thereof
 22 “study, taking”;

23 (B) in subsection (b)(1), by striking out
 24 “relevent” and inserting in lieu thereof “rel-
 25 evant”; and

1 (C) in subsection (b)(4), by striking out
2 “Environmental” and inserting in lieu thereof
3 “Environmental”.